

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID C. KERNELL,

Defendant.

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No. 3:08-cr-142
(Phillips)

MEMORANDUM AND ORDER

On March 30, 2010, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed a Report and Recommendation ("R&R") [Doc. 127] in which he recommended to deny Defendant's Motion to Dismiss Charge of Anticipatory Obstruction of Justice [Doc. 37]. The parties appeared before Judge Shirley for a hearing on June 30, 2009.

This matter is presently before the court on Defendant's timely objections to the R&R [Doc. 143]. As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R&R to which defendant objects.

Defendant does not raise any new arguments in his objections, and the Court finds itself in agreement with Judge Shirley's analysis of the legal issues. Consequently, defendant's objections [Doc. 143] will be **OVERRULED**, the R&R [Doc. 127] will be **ACCEPTED IN WHOLE**, and the underlying motion to dismiss [Doc. 37] will be **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge